



GENERAL SERVICES DEPARTMENT

AMERICANS WITH DISABILITIES ACT (ADA)

TRANSITION PLAN - POLICY

INTRODUCTION.....	1
PURPOSE	2
POLICY.....	2
DEFINITIONS	3

INTRODUCTION

The Clark County Transition Plan and Policy has been prepared and updated in response to Title II of the Americans with Disabilities Act, RCW 49.60 Discrimination – Human Rights Commission and Section 504 of the Rehabilitation Act of 1973. These laws require Clark County to ensure that County programs, services and activities are accessible to all persons, including persons with disabilities.

Following the adoption of the Americans with Disabilities Act in 1992, Clark County conducted an accessibility survey of county buildings. Since that time Clark County developed a plan to renovate its infra-structure by constructing new facilities to improve service to the community while addressing ADA accessibility issues. Tens of millions of dollars have been spent to date on renovation projects. Though much has been done, Clark County is committed to continually addressing issues that relate to the ADA and other laws.

The Clark County ADA Policy and Transition Plan consist of six general components.

1. The plan is a community effort.

- Clark County has elicited the assistance of persons with disabilities and disability organizations to help educate and collaborate on how best to deliver services to all persons.
- The Northwest Americans with Disabilities and Information Technology Center and Clark County have joined hands in the NW ADA and I.T. Center's "Partners Program."
- Clark County has implemented the concept of ADA liaisons for each county department to help identify and meet the needs of persons with disabilities.
- Clark County Community Services has brought persons with disabilities together with County ADA liaisons to address concerns and provide education.
- ADA Liaisons have received training regarding county responsibilities under the ADA and to survey the services provided by their departments to ensure accessibility issues are addressed.
- Clark County has and will continue to provide and coordinate training and education opportunities for County employees and the public regarding the ADA
- The Clark County Sheriff's Office has elicited the help of volunteers to enforce disabled parking regulations. The volunteers also provide information to property owners regarding providing disabled parking.

- The Community Development Department is conducting review of the community sidewalk transition plan with assistance from persons with disabilities.
- 2. The plan is a fluid evaluation of accessibility to County programs, services and activities.**
 - Clark County has conducted accessibility surveys regarding its programs, services and activities identifying ways to better serve all members of the public.
 - The Clark County sidewalk transition plan identifies projects for improved mobility for persons with disabilities.
- 3. The plan provides for the identification and removal of accessibility barriers and a continued developed of infrastructure.**
 - Construction of the Clark County Campus and renovation of the Franklin Building, Juvenile Justice Center, 1408 Building, and Courthouse.
 - Construction of a new Public Service Center.
 - Development of a three-phase plan to update and renovate the Clark County Fairgrounds.
 - Construction of the Clark County Amphitheater which addresses the needs of persons with disabilities for entertainment.
 - Construction of a new building to house the Clark County Health Department, Clark County Community Services, and other county departments.
- 4. The plan establishes an interior mechanism for Clark County to coordinate the provision of services to persons with disabilities and establishes a budget to meet those needs.**
 - The provision of auxiliary aids and services
 - Notification to the public on how to acquire alternative formats to County publications
- 5. The plan provides a means to address concerns.**
 - Clark County has appointed an ADA Coordinator specifically designated to identify and respond to accessibility and employment issues.
 - ADA complaint process for Title I and Title II concerns
 - Section 504 complaint process
- 6. The plan provides a resource for information, regulatory guidance and information pertaining to other resources available for persons with disabilities.**
 - The Clark County ADA Coordinator will attempt, as appropriate, to address concerns of citizens regarding ADA issues that may be beyond the formal responsibilities of that position.

PURPOSE

To implement and abide by the regulations established by the Americans with Disabilities Act and any similar federal, state or local law. (RCW 49.60 Discrimination - Human Rights Commission)

POLICY

It is the policy of Clark County to assure so far as possible, that all individuals who utilize county programs, activities or services; or are employed by or seeking employment with Clark County, shall be afforded the protections of the Americans with Disabilities Act (ADA) and any similar federal, state and local laws. (RCW 49.60 Discrimination - Human Rights Commission)

Clark County will pursue a vigorous and diligent effort to achieve full compliance with the ADA and will commit such resources as possible to address the responsibilities mandated by the ADA and Washington State law.

DEFINITIONS

AUXILIARY AIDS AND SERVICES

Measures to ensure communication accessibility for persons with impaired vision, speech, or hearing.

Auxiliary aids and services do not have to be provided if in doing so it would fundamentally alter the nature of the service provided or would be an undue burden or hardship.

DIRECT THREAT

Disabled individuals are not considered qualified if they pose a direct threat to the health or safety of others. The term "direct threat" means a significant risk to the health and safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services.

DISABILITY

- A physical or mental impairment that substantially limits one or more of the major life activities of the individual. A "major life activity" includes caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working and participating in community activities.
- A record of once having had an impairment
- Being regarded as having an impairment

Exclusions from the definition of disability include:

- Current illegal drug use
- Sexual behavior disorders
- Compulsive gambling, kleptomania, pyromania
- Temporary non-chronic impairments

DISABLED PERSON

A person is considered disabled if they:

- Have a permanent or temporary physical or mental impairment that substantially¹ limits one or more major life activity
- Have a record of such an impairment or disability
- Are regarded as having such an impairment or disability

¹ "Substantially" means the person is restricted in the condition, manner or duration under which major life activities can be performed in comparison to the abilities of those in the general population. Substantial limitation is assessed taking into consideration any mitigating measures.

DISCRIMINATION

Discrimination is defined as:

- Not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity; or
- Denying employment opportunities to a job applicant or employee who is otherwise qualified individual with a disability, if such denial is based on the need of such covered entity to make a reasonable accommodation to the physical or mental impairment of the employee or applicant.
- Discrimination against individuals or entities because they have a relationship or association with a person with a disability. This also applies to caregivers.

ESSENTIAL FUNCTIONS

The fundamental duties of a particular position

- The function is the reason the job exists. (*Tasks that are fundamental and not marginal*)
- The function is essential to the job because of a limited number of other employees available among whom the function could be distributed
- The function is so highly specialized that the person is hired for their expertise or ability to perform the particular function.

MITIGATING OR CORRECTIVE MEASURES

Mitigating measures are medications and assistive devices that an individual uses to eliminate or reduce the effects of impairment.

QUALIFIED INDIVIDUAL

- An individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
- The individual must also possess the requisite skills; experience, education and other job related requirements of the job.
- The individual does not pose a direct threat to the health and safety of others.
- The determination of whether a person with a disability is considered “qualified” is made at the time of the employment decision and may not be based on the assumption or speculation that the employee may not be able to perform the essential functions of the job in the future.

REASONABLE ACCOMMODATION

Reasonable accommodation is any change in the work environment or in the ways things are done that result in equal employment opportunity for an individual with a disability.

The duty to accommodate applies only to individuals who, "except for their disability" are otherwise qualified to perform the essential functions of the job.

UNDUE HARDSHIP

Undue hardship is defined by the ADA as an action that is: "...excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business."

Clark County is obligated to make reasonable accommodations for an otherwise qualified individual's known disabilities, and may not deny employment opportunities on the basis of the need for reasonable accommodation unless it creates an undue hardship.